

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:16-CV-00251-RLV**

DONNA C. STEWART,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

ORDER

The Defendant, Nancy A. Berryhill, Acting Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the case for further administrative proceedings. (Doc. 12). In her motion, Defendant represents that Plaintiff's counsel consents to the Motion for Remand. Plaintiff has not filed a response to Defendant's motion, and the time to file a response has elapsed.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions, this Court **GRANTS** Defendant's Motion for Remand (Doc. 12) and **REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the case to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Furthermore, in light of Plaintiff's consent to Defendant's Motion for Remand, Plaintiff's Motion for Summary Judgment (Doc. 9) is **DENIED** as moot.

Signed: March 15, 2017



Richard L. Voorhees
United States District Judge

